



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

2001 Regulatory Review Progress Report

**Prepared by:
Office of Intergovernmental Relations
Rules Unit**

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The Washington State Department of Ecology (Ecology) continues to pursue regulatory improvement through a variety of mechanisms. This report is a glimpse at some of the many innovative ways in which Ecology is changing the regulatory environment in an attempt to keep pace with an ever-changing business climate.

Accomplishments

JARPA On-line

The Joint Aquatic Resource Permit Application (JARPA) is designed to reduce time and eliminate redundant permit applications. This multi-functional, on-line application can be used to apply for:

- Hydraulic Project Approvals
- Shoreline Management Permits
- Exceedance of Water Quality Standards
- Water Quality Certifications
- Coast Guard Bridge Permits
- DNR Use Authorization
- Army Corps of Engineer Permits

Results:

- Reliable Information
- Consistent Information
- 24-hour access to application
- Reduced paper-work

Ecology's Pilot Cost-Reimbursement Program Delivers First Decisions

Through use of Ecology's Pilot Cost-Reimbursement and Outsourcing Program, Ecology, the Port of Longview, the Mint Farm Generation LLP, and the Weyerhaeuser Company were able to team up to expedite the water right decision-making process for 14 water right applications in the Longview area. Ecology out-sourced a significant portion of the water right decision-making workload (not decision-making authority,

This example shows that:

- 14 Water Right decisions were made within a year
- Draft data suggests approximate costs of \$55,000(85% outsourced, 15% Ecology staff review and decision-making)
- Applicants have all been able to continue their economic development and expansion plans in a timely fashion.

In general this program provides for:

- Timeline gains
- Timeline certainty
- Expedited timelines
- Timely decisions

To-date Ecology has entered into 12 such cost-reimbursement agreements and is negotiating an additional four.

Water Rights Decision Making

As a part of a joint multi-year Governor and Legislative effort to reform Washington Water law, the 2001 legislative session resulted in the enactment of HB 1832, which allows Ecology to give priority to processing water rights changes. Water rights changes allow existing water to be used for new purposes and at new locations. This policy change was supported by a substantial budget increase that more than doubled Ecology's water rights processing staff. The top Ecology water resources operational priority is to eliminate the existing backlog of nearly 2,000 water rights change and transfers applications by 2005 as well as making substantial progress on additional change and transfer applications that come in during the period.

Results

- Ecology has hired, trained and deployed water rights processing staff regionally, in proportion to the water rights change application backlog, and where we can make the most progress.
- Ecology is beginning to process water rights change applications at a substantially higher rate -- which will begin to shorten multi-year delays for applicants.
- Old existing water rights are being converted to modern, higher economic return uses and at locations where water is most needed.
- Ecology is partnering with Local Water Conservancy Boards in processing some water rights change applications.

Stormwater “General Permits”

Many industrial and construction activities as well as municipalities are required to have permit authorization for discharge of stormwater under rules set by the Environmental Protection Agency to comply with the Clean Water Act. Permits are issued to establish best management requirements that are necessary to prevent contamination of stormwater and minimize the stormwater pollution. General permits provide an efficient and effective way to meet the legal obligations and protect waters of the state.

General Permits:

- Apply statewide
- Save money
- Take much less time to issue
- Provide a level playing field for permittees
- Provide predictability for the regulated community
- Focus attention on holistic solutions

Five-year permits reduce paperwork

Ecology’s Water Quality Program issues permits to mosquito-control districts for the use of pesticides to control mosquito larvae. To reduce permittee paperwork and gain agency efficiency, Ecology proposed five-year permits, instead of annual permits, if mosquito districts developed a **five-year** control plan.

Ecology worked with mosquito districts and the state departments of Fish & Wildlife and Agriculture to develop new application forms, planning guidelines and revised permit language.

Results:

As a result of these efforts, the Columbia Mosquito Control District prepared a five-year plan that underwent public and agency review. The district was issued the first five-year permit in February 2001. Its plan and the permit will be used as models for other districts to follow.

Ecology provides options to Washington tree-fruit industry

Due to a decline in the tree-fruit industry, thousands of acres of orchard trees are being pulled out in North Central Washington. The most common method of disposal for orchard debris has been burning it in large outdoor fires, similar to forest slash burns. The orchard-growing region is generally in steep valleys that frequently experience air-stagnation problems.

“Chipping” is one alternative that appears to be viable for removing the debris, however, in many cases it is more expensive than burning.

Ecology was able to work with the federal government on an innovative pilot program using air-quality grant money to chip orchard trees rather than burn them. Ecology approved a one-to-one air-quality mitigation plan with Chelan County. Chelan County is offering free chipping to orchardists to alleviate the air-quality effects of a diesel generating station.

Results:

- Grant monies were re-programmed in a record 90 days, from conception of the pilot program, to the time chipping started. Approximately 281 acres are in the process of being chipped in Okanogen County.
- Ecology approved an innovative mitigation plan with the Chelan Public Utilities Department for the operation of their diesel generating station. The PUD offers free chipping to offset the effect of smoke from burning orchard debris. Approximately 441 acres are in the process of being chipped in Chelan County.
- Ecology has forged local partnerships with the agricultural community.
- Wood chips are currently being used as an energy recovery source in Okanogan County. In Chelan County, orchardists have the option to use the chips on their property or have them hauled to a co-generation plant.

Stormwater-permit processing improved

Every five years, businesses that release treated stormwater must renew their discharge permit. The permit information is maintained in an Ecology database. Recently, 2,200 permit renewals were due to Ecology. To save time and money for both the permitted business and the state, Ecology generated permit-renewal applications that were electronically filled-out using existing database information. These applications were mailed to the permittee for review, correction (if necessary) and signature.

Results:

- The permittee receives an application that only needs to be updated, saving the applicant time and improving customer service.
- Using the database to generate the application and having the permittee review it, automatically confirms the accuracy of the permit information.

Voluntary spill-prevention program for oil tank vessels

In June 2000, Ecology suspended enforcement of all oil-prevention rules for oil tankers and tank barges as a result of the U.S. Supreme Court case *INTERTANKO vs. Locke*. The Court ruled that several of Washington's regulations for tank vessels are pre-empted by federal laws and regulations.

As a result, Ecology developed the Voluntary Best Achievable Protection (VBAP) Program for oil-tank vessels. Under this program, tank vessel owners and operators agree to *voluntarily* meet Washington's Best Achievable Protection (BAP) standards. These standards, representing the best practices found on tank vessels throughout the world, are designed to protect Washington's irreplaceable coastlines and waterways from the harm of an oil spill. Companies that enroll in the VBAP Program are rewarded with public recognition.

Results:

- Since the inception of the non-regulatory, volunteer program in mid 2000, 30 percent of the tanker companies that transport oil through Washington's waters have voluntarily registered with Ecology's BAP standards. These companies represent 50 percent of the oil tanker transits moving through our waters.
- The vessels belonging to companies on the BAP list have met Washington's standards and their compliance has been confirmed by an onsite inspection.
- The threat of a major oil spill is reduced.

Coordinated environmental review of financial assistance programs

Several state and federal agencies provide grant and loan assistance to local governments and tribes for planning, design and construction of water-pollution control systems. Each agency independently reviewed projects for environmental considerations against their own criteria.

Five agencies worked together to foster cooperation and coordination while structuring and implementing the environmental process associated with water-quality projects.

Results:

- The environmental-review processes required of local governments receiving grants and loans were streamlined and simplified.
- Processes were coordinated to ensure the environmental review is consistent with the requirements of state and federal environmental standards.
- The most affordable, cost-effective projects were promoted and provided advantages to the environment and the community.

Consolidation of Health and Ecology lab-validation programs

Ecology initiated an Environmental Laboratory Accreditation Program in 1989 (WAC 173-50). In 1992, Department of Health established a drinking water lab accreditation program (WAC 246-390). Labs doing both drinking water and environmental tests had to be accredited by both agencies. This was inefficient and, for the labs, costly due to audits by and fees paid to both agencies.

Because most analytical procedures being accredited by the two agencies were identical or very similar, Ecology and Health committed to a Memorandum of Understanding where each agency recognizes the other's lab validations for most laboratory tests.

Since early 1999, Ecology and Health have been negotiating to consolidate lab-validation programs under the Department of Ecology. Ecology pursued and received additional funding from the 2001 Legislature to ensure an effective consolidation of programs.

Within the framework of a unique partnership between the Environmental Protection Agency (with federal oversight authority over the drinking water program), stakeholder laboratories, Department of Health, and Ecology, the two state agencies have drafted a Memorandum of Understanding on consolidation of the drinking water and environmental lab programs. Under that MOU, expected to be signed in September 2001, Ecology will begin accrediting drinking water labs in September 2002. WAC 246-390 will be repealed, and WAC 173-50 revised to allow Ecology to collect sufficient fees to make the consolidated program self-supporting. Under one agency and one set of rules, accreditation of labs will be more efficient and more economical.

Ecology billing and revenue tracking system

Ecology's Water Quality and Solid Waste Programs collect more than \$20 million in permit fee revenues each biennium.

The data system used to generate invoices and track payments made was not meeting the expanding needs of the permit-fee payers or the agency. In addition, the system did not accommodate other types of permit fees or changing business requirements.

The system was re-engineered to take advantage of Web technologies to let it operate on just about any hardware platform, allowing for growth and change without major system revision.

Results:

- Customer service has improved through a more consistent easier-to-read format for businesses and citizens that pay permit fees.

- Four additional fee types have been added to the system, bringing the total to six.
- A flexible security and user interface allows fee administrators direct control over their own permit, fee, customer information and billing processes.
- Automatic payment posting occurs through a computerized interface with Ecology's cashiering system.

Increased and improved Web applications provide better access to Ecology

Ecology continues to "push the envelope" when it comes to the use of the Internet to provide service and access to information required by interested parties. Below are a few examples of recent efforts to put information on the World Wide Web:

- Ecology grant recipients invoice-preparation system
- Well drillers' "Notice of Intent" forms
- Hanford cleanup information
- Demolition debris Web page
- Dangerous-waste rules information and Assistance Page
- "The Water Exchange Site" –(water needed/water available)
- Nuclear Waste Program environmental-restoration project
- Agency-wide public-participation Web site
- Online hazardous-waste service directory
- Water right applications
- SARA Title 3: "A Guide For Business"

For more information on these and other internet services provided by the Department of Ecology visit the agency's home page at: www.ecy.wa.gov/

Petitions for rule-making

The Department received seven petitions for rule-making during the reporting period. In three cases the petitions were withdrawn and alternative means of resolution were pursued. In three cases the petitions were denied. In one case, we agreed with the petitioner and entered into rule-making to repeal the rule in question.

Results of Regulatory Review (to-date)

- WAC Sections Repealed: 171
- WAC Sections Amended: 635
- WAC Sections Reviewed: 1,834
- Percentage of Total WAC Sections Reviewed: 70
- WAC Pages Eliminated: 126